IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 29 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DINESHKUMAR RAMANLAL PATEL

Versus

REGIONAL DIRECTOR

Appearance:

MR HS MULIA for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/07/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the petitioner. The petitioner in the special civil application is praying for following reliefs:

(a) be pleased to issue a writ of mandamus or any

other appropriate writ, order or direction directing the respondent-Corporation to give the permanent status to the petitioner on the post in which he is service, i.e. `Fitter'

(b) During the pendency of admission, hearing and final disposal of this petition, be pleased to direct the respondent-corporation not to terminate the services of the present petitioner on the expiry of the period of temporary appointment.

(c) Such other and further reliefs as deemed just and expedient in the facts and circumstances of the case may kindly be granted

#. Initially, interim relief was granted by this court but it is not disputed by learned counsel for the petitioner that the petitioner is no more in service of respondents.

#. The facts are that on 28th September, 1993, he was taken as Apprentice on stipend of Rs.610/= p.m. On completion of training what the petitioner states that on 27th December, 1993, he was appointed on the post of Fitter on temporary basis for a period of one year. The lands of the petitioner's father were acquired by ONGC. The learned counsel for the petitioner states that whether it is a permanent acquisition or temporary is not known to the petitioner. The father of the petitioner made a representation in the Corporation to confirm the services of the petitioner as his lands were acquired by respondent and since there is no livelihood except of doing agricultural work in the lands in question. It is the grievance of the petitioner that that representation is not decided. Hence he approached to this court by filing this petition.

#. The learned counsel for the petitioner has failed to show under which provision of Act or Rules or Regulations or service regulations of ONGC, such a claim can be lodged by the father of the petitioner. The learned counsel for the petitioner contended that the scheme is framed by the ONGC for giving appointments to the dependents of the families whose lands have been acquired but no such scheme has been produced on the record of the special civil application. Appointments in the Corporation are regulated by service recruitment regulations or in the absence of recruitment rules it has to be regulated under Articles 14 and 16 of the Constitution. The petitioner has no legal or fundamental

right of appointment in Corporation services and no such relief can be granted to the petitioner. This writ petition is wholly misconceived. In the result, this special civil application fails and the same is dismissed. Rule is discharged. Interim releif, if any, granted earlier stands vacated. In the facts of this case and more particularly as nobody is present on behalf of respondents, no order as to costs.

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(sunil)